

CITY COUNCIL AGENDA

MARCH 11, 2003

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.ci.san-jose.ca.us/cty_clk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: Chavez, Dando, Williams (excused).

1: 34 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Chavez, Dando, Williams (excused).
- **Invocation (District 3)**
Iman Tahir Anwar of the South Bay Islamic Association read a traditional Islam verse entitled “For Noon”.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day were approved.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a proclamation regarding City of San José’s partnership with the San Francisco Bay National Wildlife Refuge. (Environmental Services)
Mayor Gonzales and the City Council commended the staff of the Don Edwards National Wildlife Refuge and the San José Environmental Services Department for their dedicated efforts in support of environmental and water shed education for the youth of San José and the neighboring communities of the South Bay in recognition of the March 14, 2003 Centennial. Director of Environmental Services Carl Mosher introduced the staff of Don Edwards National Wildlife Refuge, and members of the Youth Watershed Education Team. Project Manager Marge Kolar of the Don Edwards National Wildlife Refuge thanked the Mayor and the Council on behalf of her colleagues.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

None.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26843 – Amends Chapter 11.24 of Title 11 of the City of San José Municipal Code to add a new section to designate a portion of Channing Avenue as a one-way street.

Ordinance No. 26843 adopted.

2.3 Approval of actions related to shuttle bus transportation at the Airport.

Recommendation: Adoption of a resolution authorizing the Director of General Services to:

- (a) Execute the third amendment to the agreement for management of the Airport Common Use Rental Car Bus System, and increase the maximum compensation of this agreement by \$50,000, to cover the estimated cost associated with services for off-site compressed natural gas (CNG) fueling, and additional training for the new CNG shuttle bus fleet, scheduled to be online by March 1, 2003; and
- (b) Execute the second amendment to the agreement for management of the airport shuttle bus transportation personnel and bus scheduling and increase the maximum compensation of this agreement by \$120,000, to cover the estimated cost associated with services for off-site CNG fueling and additional training for the new CNG shuttle bus fleet, scheduled to be online by March 1, 2003.

CEQA: Resolution No. 67380, PP01-01-014. (Airport/General Services)

(Deferred from 2/25/03 – Item 2.4)

Resolution No. 71431 adopted.

2.4 Approval of various actions related to the annexation of Monterey Park No. 104.

Recommendation:

- (a) Public Hearing and adoption of an urgency ordinance rezoning a portion of Curtner Avenue and a segment of Caltrain right of way, located on the south side of Curtner Avenue, approximately 700 feet easterly of Highway 87 from unincorporated County of Santa Clara to A-Agricultural Zoning District. CEQA: Negative Declaration, PDC02-042. Council District 7. (Planning, Building and Code Enforcement)

Ordinance No. 26844 adopted.

2 CONSENT CALENDAR

2.4 Approval of various actions related to the annexation of Monterey Park No. 104. (Cont'd.)

- (b) Initiate a regular, non-urgency ordinance rezoning a portion of Curtner Avenue and a segment of Caltrain right of way, located on the South Side of Curtner Avenue, approximately 700 feet easterly of Highway 87 from unincorporated County of Santa Clara to A-Agricultural Zoning District. CEQA: Negative Declaration, PDC02-042. Council District 7. (Planning, Building and Code Enforcement)

Approved.

- (c) Adoption of a resolution authorizing the reorganization of territory designated as Monterey Park No. 104, which involves the annexation to the City of San José of approximately 85.8 acres of land, located on the south side of Curtner Avenue, approximately 700 feet easterly of Highway 87, and the detachment of the same from the relevant special districts, including Central Fire Protection District and the County Library Service Area. CEQA: Negative Declaration, PDC02-042. Council District 7. (Planning, Building and Code Enforcement)
(Deferred from 2/25/03 - Item 2.8)

Resolution No. 71432 adopted.

2.5 Approval to set a Public Hearing for the approval of the report on the cost of sidewalk repairs.

Recommendation: Adoption of a resolution setting a public hearing for April 1, 2003 at 1:30 p.m. for the approval of the report of the Directors of Finance and Transportation on the cost of sidewalk repairs. CEQA: Not a Project. (Finance/Transportation)

Resolution No. 71433 adopted.

2.6 Approval of open purchase orders for the purchase of supplies, materials, equipment and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #26 and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project. (General Services)

Approved.

2.7 Approval to donate surplus equipment to La Paz, Mexico.

Recommendation: Adoption of a resolution authorizing the Director of General Services to execute all documents necessary for the donation of two truck tractors, one bookmobile, and one equipment transport trailer with a total estimated value of \$13,500 to the City of La Paz, Mexico. CEQA: Not a Project. (General Services)

Resolution No. 71434 adopted.

2 CONSENT CALENDAR

2.8 Approval to sell surplus vehicles to La Paz, Mexico.

Recommendation: Adoption of a resolution authorizing the Director of General Services to execute all documents necessary for the sale of two surplus former police patrol cars and three fire mobile command vehicles and associated equipment for the amount of \$19,200 to the City of La Paz, Mexico. CEQA: Not a Project. (General Services)

Resolution No. 71435 adopted.

2.9 Approval of a loan to Housing for Independent People for the acquisition, rehabilitation and permanent financing of a six-unit building.

Recommendation: Adoption of a resolution approving a loan in an amount not to exceed \$382,500 to Housing for Independent People from the Low and Moderate Income Housing Fund, for the acquisition, rehabilitation and permanent financing of a six-unit building located at 1059 Roewill Drive, to be made affordable to extremely low-income households. CEQA: Exempt, PP02-10-305. Council District 1. SNI: Blackford. (Housing)

Resolution No. 71436 adopted.

2.10 Appointment to the Guadalupe/West Valley Flood Control and Watershed Advisory Committee.

Recommendation: Approval of an appointment to the Guadalupe/West Valley Flood Control and Watershed Advisory Committee. (Mayor)

Deferred to 3/18/03.

2.11 Approval to submit a grant application to the Alcoholic Beverage Commission.

Recommendation: Adoption of a resolution authorizing the City Manager to submit a grant application to the state Alcoholic Beverage Commission in the maximum amount of \$73,850 for grant assistance to local law enforcement agencies, to accept the grant if awarded, and to execute all related documents. CEQA: Not a Project. (Police)

Resolution No. 71437 adopted.

2.12 Approval of the acquisition of a temporary construction easement as part of the King Road Widening Phase II Project.

Recommendation: Approval of an agreement with Angie R. Salamoni, et al, for the donation to the City of a strip of property containing approximately 11,568 square feet and the purchase by the City of a one-year temporary construction easement for \$47,635 for an additional 8,614 square feet of adjoining property located on King Road between Mabury Road and Commodore Drive for the purpose of constructing and maintaining frontage improvements as part of the King Road Widening Phase II Project. CEQA: Negative Declaration, PP02-11-335. Council District 4. (Public Works)

Approved.

2 CONSENT CALENDAR

2.13 Approval of a contract change order for the Wheel Chair Ramps Project.

Recommendation: Approval of Contract Change Order No. 1 with Vanguard Construction for the Wheel Chair Ramps Project 2002-A, in the amount of \$37,800, resulting in a total contract amount of \$397,530. CEQA: Exempt, PP02-03-059. Council District: Citywide. (Transportation)
Approved.

2.14 Approval of an agreement for warehouse space for the Police Department.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a 10 year lease agreement for a combined Police Department Vehicle and Evidence Warehouse with Sun Garden Tenants In Common, for 99,819 square feet of warehouse space, located at 1582 Monterey Road, at a rental rate of \$38,929.41 per month with an increase of 3% each year. CEQA: Exempt, PP03-02-056. (General Services)
(Deferred from 3/4/03 – Item 2.4)
Deferred to 3/18/03.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3.2 Report of the Rules Committee – February 26, 2003 Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review March 11, 2003 Draft Agenda
The Committee recommended approval of the March 11, 2003 City Council agenda with two additions and one change.
 - (2) Add New Items to March 4, 2003 Amended Agenda
The Committee recommended one addition to the March 4, 2003 City Council agenda.
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's report listing one staff report outstanding for the March 4, 2003 Council agenda.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 26, 2003 (Cont'd.)

- (c) Legislative Update
 - (1) State
There was no report.
 - (2) Federal
 - (a) Federal Lobbyist Monthly Report for January 2003
The Committee recommended acceptance of the monthly report from Patton Boggs, LLP.
- (d) Meeting Schedules
 - (1) Approve corrected date for Driving a Strong Economy Committee meeting
The Committee recommended approval to change a meeting of the Driving a Strong Economy Committee from June 9, 2003 to June 23, 2003.
 - (2) Set hearing date for Public Hearing on planned development rezoning of the property located at South Third and East Williams Streets (continued from 2/18/03 – Council agenda Item 11.2)
The Committee deferred this item for one week.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Boards, Commissions and Committees
 - (1) Mobile Home Advisory Commission
Appoint one landlord representative
The Committee recommended appointment of Fran Hirsch to fill an unexpired term ending December 31, 2005 as the landlord representative on the Mobile Home Advisory Commission.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
There were none.
- (h) Administrative Reviews and Approval
 - (1) Request from Vice Mayor Dando to use Council General funds to attend the National League of Cities' 2003 Congressional City Conference in Washington, D.C., March 7-11, 2003
The Committee recommended approval for Vice Mayor Dando's use of Council General funds to attend the National League of Cities' 2003 Congressional City Conference in Washington, D.C., March 7-11, 2003.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 26, 2003 (Cont'd.)

- (i) Oral communications
Peter Campbell, resident from District 1, stated he has not yet received a reply from the City regarding his written request to place an item regarding Measure I on a Council agenda. He also expressed concern regarding the “San José in Focus” program, and his flyers placed in the City Hall Lobby.
- (j) Adjournment
The meeting adjourned at 2:20 p.m.

The Rules Committee Report and Actions of February 26, 2003 were accepted.

3.3 Report of the Making Government Work Better Committee Council Member Campos, Chair No Report.

3.4 Approval of a report back from the City Clerk on the methodology for performance measures and overview targets.

Recommendation: Approval of a report back from the City Clerk on the methodology for performance measures and overview targets. (Mayor)
Deferred to 4/1/03.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – February 26, 2003 Council Member Chavez, Chair

- (a) Policy on Prioritization of Trails Projects
The Committee accepted the report with the following directives to staff:
 - (1) Continued discussions on “Policy on Prioritization of Trails Projects” to be held at the March 17, 2003 Building Strong Neighborhood Meeting. The presentation to include:
 - Add an on-deck category.
 - Names of trails that fall into Tiers 1, 2, and 3.
 - Lengths of the 22 Citywide trails.
 - One-year timeline for trail completion.
 - An overlay of a comprehensive trail map and maps “trail by trail”.
 - List of interim trails that were not included in the original list.
 - (2) A set of trail maps is given to new Committee members. Meetings are to be scheduled with Council Members Campos and Chirco and their staff so details may be properly outlined.
 - (3) Meetings are scheduled with Council Members to discuss issues with trails in their districts.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – February 26, 2003 (Cont'd.)

- (a) Policy on Prioritization of Trails Projects (Cont'd.)
 - (4) **The report that comes before Council is two separate presentations – interim and permanent trails.**

- (b) Discussion on Strengthening Boards and Commissions
The Committee accepted the report with the following directives to staff: The City Manager's Office is requested to lead an effort that will include departmental, Mayor and Council staff to report on how the City might strengthen its Boards and Commissions. Possible areas include:
 - (1) **Identify and assess the strengths of the Boards/Commissions.**
 - **Effectiveness of linking with Mayor's and Council's goals and priorities.**
 - **Review of work plans.**
 - **Level of participation and attendance.**
 - **Ability to meet quorum.**
 - **Status of vacant positions.**
 - **Efforts to recruit members.**
 - **Training Opportunities.**
 - (2) **Training and Robert's Rules of Order is added to the curriculum through the City's Neighborhood Development Center for new and potential Commissioners.**
 - (3) **City Clerk Pat O'Hearn to send to Committee members a copy of one of the annual reports from Boards/Commissions that had been submitted in prior years.**

- This item was referred to the March 5, 2003 Rules Committee for approval of a workload assessment.**

- (c) Oral Petitions
None were presented.

- (d) Adjournment
The meeting adjourned at 11:30 a.m.

The Building Strong Neighborhoods Committee Report and Actions of February 26, 2003 were accepted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Report of the Driving a Strong Economy Committee – February 24, 2003

Council Member Williams, Chair

- (a) Economic Diversity
The Committee unanimously accepted the staff report.
- (b) Convention Center Recovery Strategy
No action taken by the Committee.
- (c) Report on the City's Rehabilitation Program
The Committee unanimously accepted the staff report.
- (d) Oral Petitions
Phyllis Ward, Affordable Housing Network spoke on Item 4.2(a).
- (e) Adjournment
The meeting adjourned at 3:25 p.m.

The Driving a Strong Economy Committee Report and Actions of February 24, 2003 were accepted.

4.3 Approval of the purchase of land and improvements located at 3086-3098 Alum Rock Avenue for the Alum Rock Branch Library.

Recommendation: Adoption of a resolution authorizing the Director of Public Works to:

- (a) Execute an agreement with Jose Cuevas, for the purchase of land and improvements located at 3086-3098 Alum Rock Avenue in the amount of \$1,200,000, and any additional documents necessary to complete this transaction; and
- (b) Settle the relocation claims with Jose Cuevas and the four existing tenants on his property

CEQA: Negative Declaration, H02-064. Council District 5. SNI: East Valley/680 Community. (Public Works)

Resolution No. 71438 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee – February 27, 2003

Council Member Yeager, Chair

- (a) Youth Commission Reports (December 2002 and January 2003)
The Committee accepted the report.
- (b) Work Plan for Remaining 2002 [Education, Neighborhoods, Youth, and Seniors Committee referral Action Items, including Bridging the Digital Divide, Child Care Projects, and City Funding of Education Programs]
No Committee action was taken. This item was for discussion only.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee – February 27, 2003 (Cont'd.)

- (c) Update on Joint Use Agreements with School Districts, including City/Schools Collaborative
The Committee agreed to continue discussion and action to the next meeting on March 20, 2003.
- (d) Oral Petitions
There were none.
- (e) Adjournment
The meeting adjourned at 3:55 p.m.

The All Children Achieve Committee Report and Actions of February 27, 2003 were accepted.

5.2 Approval of a contract for the Biebrach Park Play Area Renovation and Restroom Replacement.

Recommendation: Report on bids and award of contract for the Biebrach Park Play Area Renovation and Restroom Replacement to the low bidder, and approval of a nine percent contingency. CEQA: Exempt, PP02-09-259. Council District 3. SNI: Gardner. (Public Works)

(Deferred from 1/14/03 – Item 5.3 et. al., and 2/11/03 – Item 5.2)

Dropped, action taken on 2/18/03.

5.3 Approval to award a contract for the Gardner Community Center Project.

Recommendation: Report on bids and take appropriate action based on the evaluation of bids for the Gardner Community Center Project to the low bidder, BRCO Constructors, Inc., for the base bid and Add Alternates Nos. 1a, 1b, and 2 in the amount of \$2,948,000, and approval of a contingency in the amount of \$295,000. CEQA: Mitigated Negative Declaration, PP01-11-206. Council District 3. SNI: Gardner/Atlanta. (Public Works)

Approved.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – February 26, 2003 Council Member Cortese, Chair

- (a) Discussion of Committee Scope
No Committee action taken. This item was for discussion only.
- (b) Staff Presentation and Discussion of Items in Committee Scope
Staff gave an overview of all items on the scope and work plan.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – February 26, 2003 (Cont'd.)

- (c) Discussion of Items Schedule for Committee Work Plan
No Committee action taken. This item was for discussion only.
- (d) Approval of Committee Work Plan
The Committee accepted the work plan with the following changes: Add State and Federal legislative update on each and every month beginning in April; Add a new bullet under item 4 (Regional Relationships/Funding/Policy) titled Public/Private Partnership; Add a new bullet under item 1 (Expansion of Transit and Transportation Systems) titled Transit Trends/Best Practices; Change item 1 on the scope to read Expansion and Improvement of Transit and Transportation Systems; Add a bullet CAL Trains to item 4, Regional Relationships/Funding/Policy. Airport and terminal circulation, etc. will be on hold for now.
- (e) Oral Petitions
There were none.
- (f) Adjournment
The meeting adjourned at 4:05 p.m.

The Building Better Transportation Committee Report and Actions of February 26, 2003 were accepted.

6.2 Approval to amend the Master Parking Rate Schedule.

Recommendation: Adoption of a resolution to amend the Master Parking Rate Schedule to create an event rate scale for parking fees charged to patrons of the Banquet Center at the new Fourth Street Garage. CEQA: Not a Project. Council District 3.
(Transportation/Conventions, Arts and Entertainment)
(Deferred from 3/4/03 – Item 6.2)
Deferred to 3/18/03.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Discussion and action on the Municipal Water System.

Recommendation: Discussion and action on the Municipal Water System. (City Manager's Office)
Referred to 3/18/03 by 2/26/03 Rules Committee.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Closed Session Report**
No Report.

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

None.

- **Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.**

(1) Ross Signorino spoke concerning night lighting safety issues in the City of San José.

- **Adjournment**

The Council of the City of San José adjourned in memory of John Reichle, a very active and long-time devoted adopt-a-park volunteer and park steward who was always willing to help care for his neighborhood park.

The Council of the City of San José adjourned at 1:56 p.m.